

Item No.09

18.12.2023  
Ct-24  
AGM

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 20579 of 2023

Sk. Mohammad Hossain  
v.  
The State of West Bengal & Ors.

Mr. Nikhil Kumar Gupta  
Ms. Sabera Khatun.  
... for the petitioner.

Mr. Pinaki Bhattacharya  
Ms. Mita Bag  
... For the State.

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents.

Complaints lodged before the Egra Municipality has not been considered till date.

None represents either Egra Municipality or the private respondent.

In view of the order that I propose to pass, none of the non-appearing respondents will be prejudiced if the writ petition is disposed of in the following manner:

The respondent no. 7 is directed to consider and decide the objection filed by the petitioner on 29<sup>th</sup> August, 2022 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties by passing a reasoned order at the earliest but positively within a period of eight weeks from the date of communication of this order.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The petitioner is directed to forward a copy of the representation dated 29<sup>th</sup> August, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

Affidavit-of-service filed in Court today be kept with the records.

Report filed by the Egra Municipality be retained with the records.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Amrita Sinha, J.)**